

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

=====X  
JAY LEE GLASSBERG,

Plaintiff,

Docket Number  
\_\_\_\_\_

- against -

PAUL E. MALMROSE and TIGHE & BOND, INC.,

Defendants.

=====X

**COMPLAINT**

Plaintiff, by his attorneys, **KLEIN & FOLCHETTI, P.C.**, complaining of the defendants herein, respectfully alleges the following:

**PARTIES**

1. That at all times herein mentioned, the plaintiff was and still is a citizen of the United States of America, residing in Dutchess County, New York.

2. That upon information and belief, and at all times herein mentioned, defendant **PAUL E. MALMROSE** was and still is a citizen of the United States of America, residing in the Town of Farmington, in Hartford County, Connecticut.

3. That upon information and belief, and at all times herein mentioned, defendant **TIGHE & BOND, INC.**, was and still is a corporation organized and existing under and by virtue of the laws of the State of Massachusetts, with its principal place of business in the City of Westfield, in Hampden County, Massachusetts.

**JURISDICTION**

4. That the jurisdiction properly lies in the United States District Court by virtue

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of the diversity of citizenship of the plaintiff and the defendants, as set forth in Title 28 U.S.C. §1332.

5. That the amount in controversy, exclusive of costs and interest, is in excess of the sum of **SEVENTY-FIVE THOUSAND and 00/100 DOLLARS (\$75,000.00)**.

6. That at the time and place specified herein, the defendants have each committed a tortious act within the State of New York and thereby caused injuries to the plaintiff within the State of New York, all as set forth in the Civil Practice Law and Rules of the State of New York.

**VENUE**

7. That all of the plaintiffs reside within the geographical jurisdiction of this Court, to wit: the Southern District of New York.

8. That at the time and place specified herein, the facts out of which the instant action arises occurred entirely within the geographical jurisdiction of this Court, to wit: the Southern District of New York.

9. That venue in the Southern District of New York is proper pursuant to 28 U.S.C. §1391, paragraphs (a) and (b).

**JURY DEMAND**

10. The plaintiff demands that this case be tried to a jury.

**CAUSE OF ACTION: NEGLIGENT  
OPERATION OF A MOTOR VEHICLE**

11. That upon information and belief, and at all times herein mentioned, and more specifically on August 23, 2017, defendant **PAUL E. MALMROSE** was an employee

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of defendant **TIGHE & BOND, INC.**, and was acting in such capacity at the time of the complained of events.

12. That upon information and belief, and at all times herein mentioned, and more specifically on August 23, 2017, defendant **TIGHE & BOND, INC.**, employed, controlled, supervised, managed and instructed defendant **PAUL E. MALMROSE**.

13. That upon information and belief, and at all times herein mentioned, and more specifically on August 23, 2017, defendant **TIGHE & BOND, INC.**, was the owner of a 2014 Subaru motor vehicle bearing State of Connecticut license plate number 367 XOH.

14. That at all times herein mentioned, and more specifically on August 23, 2017, at or about 5:45 in the evening, and at the time of the events complained of herein, defendant **PAUL E. MALMROSE** was authorized to operate the aforesaid Subaru motor vehicle by reason of the express and implied permission and consent of its owner, defendant **TIGHE & BOND, INC.**

15. That at all times herein mentioned, and more specifically on August 23, 2017, at or about 5:45 in the evening, and at the time of the events complained of herein, defendant **PAUL E. MALMROSE** was authorized to operate the aforesaid Subaru motor vehicle by reason of his employment with its owner, defendant **TIGHE & BOND, INC.**

16. That at all times herein mentioned, and more specifically on August 23, 2017, at or about 5:45 in the evening, and at the time of the events complained of herein, defendant **PAUL E. MALMROSE** was operating the aforesaid Subaru motor vehicle with the express and implied permission and consent of its owner, defendant **TIGHE & BOND, INC.**

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17. That at all times herein mentioned, and more specifically on August 23, 2017, at or about 5:45 in the evening, and at the time of the events complained of herein, defendant **PAUL E. MALMROSE** was operating the aforesaid Subaru motor vehicle in the course of his employment with its owner, defendant **TIGHE & BOND, INC.**

18. That at all times herein mentioned, and more specifically on August 23, 2017, at or about 5:45 in the evening, and at the time of the events complained of herein, defendant **PAUL E. MALMROSE** was operating the aforesaid Subaru motor vehicle in a generally westerly direction in the left lane of westbound Interstate Route 84, at mile post marker 58.2, in and around the Town of East Fishkill, New York.

19. That on or about August 23, 2017, at or about 5:45 in the evening, plaintiff **JAY LEE GLASSBERG** was operating a motorcycle in a generally westerly direction in the left lane of westbound Interstate Route 84, at mile post marker 58.2, in and around the Town of East Fishkill, New York, and was doing so in a safe, careful and prudent manner.

20. That on or about August 23, 2017, at or about 5:45 in the evening, defendant **PAUL E. MALMROSE** was operating the aforesaid Subaru motor vehicle in an unsafe, imprudent, careless, negligent, reckless, dangerous and unlawful manner, and in complete disregard of the circumstances then and there prevailing.

21. That on or about August 23, 2017, at or about 5:45 in the evening, and immediately prior to the complained of events, defendant **PAUL E. MALMROSE**, while operating the aforesaid Subaru motor vehicle, encountered heavy traffic conditions in which traffic in all of the lanes of westbound Interstate Route 84 had significantly slowed and/or stopped.

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22. That solely by reason of the carelessness, negligence, recklessness, fault, imprudence and unlawful behavior of the defendants herein, the motorcycle operated by plaintiff **JAY LEE GLASSBERG** was violently struck in the rear by the vehicle owned by defendant **TIGHE & BOND, INC.**, and operated by defendant **PAUL E. MALMROSE**.

23. That the aforesaid collision was caused solely by the negligence, carelessness, recklessness and fault of the defendants herein, without any fault or culpable conduct on the part of the plaintiff contributing thereto.

24. That at all times herein mentioned, plaintiff **JAY LEE GLASSBERG** conducted himself in a safe, careful and prudent manner.

25. That at all times herein mentioned, plaintiff **JAY LEE GLASSBERG** was properly utilizing all safety measures and equipment which were available to him.

26. That the collision occurred in the left lane of westbound Interstate Route 84, at mile post marker 58.2, in and around the Town of East Fishkill, New York.

27. That at all times herein mentioned, and more specifically on August 23, 2017, the aforesaid westbound Interstate Route 84 was and still is a public highway and thoroughfare for the use and passage of motor vehicles.

28. That this action falls under the "motor vehicle" exception of Article 16 of the Civil Practice Law and Rules of the State of New York, more specifically Section 1602(6) thereof.

29. That solely by reason of the imprudence, carelessness, negligence, recklessness, fault, and other culpable conduct of the defendants herein, plaintiff **JAY LEE GLASSBERG** was caused to suffer serious, severe and permanent personal injuries, all

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without any fault or culpable conduct on the part of the plaintiff contributing thereto.

30. That as a matter of law, plaintiff **JAY LEE GLASSBERG** need not plead or prove that the personal injuries sustained by him rise to the level of any "threshold" contained in any "No-Fault" law.

31. That by reason of the foregoing, plaintiff **JAY LEE GLASSBERG** has suffered damage and injury and demands judgment against the defendants herein in a sum to be determined by the trier of fact of this action, not to exceed the sum of **ONE MILLION DOLLARS (\$1,000,000.00)**.

**WHEREFORE**, the plaintiff demands judgment against the defendants herein in a sum to be determined by the trier of fact of this action, not to exceed the sum of **ONE MILLION DOLLARS (\$1,000,000.00)**, together with the costs and disbursements of this action, and such other and further relief which to this Court may seem just and proper.

Dated: Brewster, New York  
January 25, 2019

**KLEIN & FOLCHETTI, P.C.**  
Attorneys for Plaintiff

By:   
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